

MINUTES
TOWN OF FREDERICK
PLANNING COMMISSION
Frederick Town Hall
May 5, 2009
7:30 p.m.

Attendance: Chairman Jeff Roehrig, Commissioners Donna Hudziak, Donald Hard, Alan Blair and John Loveless were present. Also present were Planning Director Jennifer Simmons, Planner Todd Tucker and Town Attorney, Cyril Vidergar.

ROLL CALL: Chairman Roehrig called the regular meeting to order at 7:30p.m. Roll call was taken; all commissioners were present.

ADDITIONS TO THE AGENDA: There were no additions to the agenda.

APPROVAL OF MINUTES FROM THE APRIL 21, 2009 MEETING:

Commissioner Loveless made a motion to approve the minutes from the April 21, 2009 meeting. Commissioner Blair seconded the motion. All in favor, motion carried.

CONSIDERATION OF THE WESTERVELT COMPREHENSIVE PLAN AMENDMENT AND REZONE:

Planner Todd Tucker distributed a letter from Steve Warren, Vice President of the William K. Warren Foundation expressing his request that the Planning Commission deny this application. Tucker then stated that the applicant has requested approval to amend the Comprehensive Plan and to rezone the 133.7 acre site located at the Northwest Corner of Tipple Parkway and Silver Birch Boulevard to provide for Business Light Industrial and Employment (C-E) related development.

The applicant, Wally Grant, and their Engineer, Jim Blankenship are in the audience.

This property is surrounded by Hinkle Farm Subdivision, undeveloped, Town of Frederick, R-1 to the North; Undeveloped Town of Frederick, R-2 to the South; Residential Unincorporated Weld County – Agricultural to the East; and Undeveloped Town of Frederick, PUD to the West.

The 133.7 acre site was zoned PUD when it was annexed in 1995, however there are no development or use parameters associated with the existing Zoning. The Comprehensive Plan has designated the site Mixed Use Residential and the adjacent properties are designated for Employment, Medium Density Residential, and Mixed Use Residential purposes. To promote business related zoning that is compatible with the surrounding development and to facilitate economic development the applicant has requested that the site be re-designated for Business Light Industrial and Employment (C-E) uses.

The application was referred per the provisions of the Land Use Code. All referral responses are on file with the Planning Department. The oil and gas companies indicated that they have mineral interests that need to be preserved. Note that mineral interests are typically addressed through a surface use agreement which is required prior to recordation of a subdivision plat for a property. Since this application does not involve a subdivision, these comments are advisory and preliminary. No other referral indicated conflicts with this request.

The public hearing was noticed in accordance with the provision of the Land Use Code.

Section 4.7.10.b of the Land Use Code sets the review criteria for amendments to the Comprehensive Plan; while Section 4.7.2.d of the Land Use Code sets the review criteria for amendments to the official zoning map.

Upon review of the application and criteria, the request conforms to the requirements for approval of the Comprehensive Plan Amendment.

Upon review of the application and criteria, the request for rezoning conforms to the required criteria. Note that for approval, the request need only conform to one of the requisite criteria.

The Planning Commission can consider approval of the application, denial or approval with conditions for both the Comprehensive Plan Amendment and the Rezoning.

Commissioner Hudziak asked if there were any wells on the property.

Planner Tucker said that there are several. The Oil and Gas operators have leases only and the William K. Warren Foundation owns some mineral rights; however there is no surface development to address.

Commissioner Blair noted that there is Industrial on the West portion of the property, do we have any idea what may be going there? He also asked if the East side will house smaller businesses.

Chairman Roehrig closed the regular meeting of the Planning Commission and opened the Public Hearing for Consideration of the Westervelt Comprehensive Plan Amendment and Rezone at 7:35PM.

The applicant, Wally Grant, addressed the Commission stating that this property is shown as residential on the Comprehensive Plan. He already has a prospect for 20 acres in the SW corner of the property. It is a manufacturing company of HVAC equipment which will employ 125 – 130 employees. Grant also owns Hinkle Farm which is located north of this property and it is zoned residential. The zoning was worked out with staff to bring employment and industrial to the Town.

As far as the oil and gas, EnCana and KP Kaufman don't like to do Surface Agreements until there is development. He is only asking for a change to the Comprehensive Plan to change from Residential to C-E. In the past, the favored zoning upon annexation was PUD and it would stay PUD until the land was developed at which time an underlying zoning would be assigned.

Commissioner Blair asked if WCR 16 would be paved.

Grant said that, first of all, the staff was wonderful to work with. US Engineering is the company that is interested in the SW 20 acres of the property. He has talked with Adam Smith with Civil Resources and Dick Leffler and, if approved, he will pave WCR 16 from WCR 11 to Godding Hollow. He will also be responsible for extending all the utilities to the site.

Chairman Roehrig is not comfortable with the truck traffic that would be produced by US Engineering on WCR 11 which is not designed for truck traffic. He noted that this would allow Industrial and Employment traffic to go past an Elementary School.

Planner Simmons addressed Chairman Roehrig's concern by stating that Engineering will determine by a traffic study what improvements will be needed for WCR 16 as well as WCR 11. US Engineering has told staff that their truck traffic is less than 5 per day. This is not a multiple truck trip type of business. Today, this is all speculation and the Commission cannot base the change of zoning decision on traffic issues until a plan is submitted. Simmons also stated that Eagle Boulevard will continue to WCR 16

eventually. When the Planning Commission approved Hinkle Farms, the Eagle Boulevard connector was also approved.

There was some additional discussion regarding the truck traffic interfering with the school.

There was no public comment.

Chairman Roehrig closed the Public Hearing at 8:00PM.

Commissioner Hudziak made a motion to recommend approval of PCR-2009-05A, "A Resolution of the Planning Commission Approving the Westervelt Comprehensive Plan Amendment". Commissioner Blair seconded the motion. Chairman Roehrig voted no; all other Commissioners voted yes. Motion carried.

Commissioner Hudziak made a motion to recommend approval of PCR-2009-06A, "A Resolution of the Planning Commission Recommending Approval of the Westervelt Rezone". Commissioner Blair seconded the motion. Chairman Roehrig voted no; all other Commissioners voted yes. Motion carried.

Planner Tucker said that the Board of Trustees would like to have clarification on the "no" vote.

Chairman Roehrig said that his decision was based solely on putting truck traffic into a residential district.

Commissioner Hudziak was excused for a conflicting meeting at 8:05PM.

OTHER BUSINESS:

Planner Simmons stated that there may be a Planning Commission meeting on May 19th to review a preliminary development plan and there may be a meeting on June 2nd, but we will let the Commission know for sure. Planner Simmons asked the Commissioners if the week of the 4th of July, specifically the 7th of July will work for them for a Downtown Study meeting. She is trying to determine if anyone will be out of town for the 4th of July holiday. The Commissioners will let Planner Simmons know.

Commissioner Blair said that he only voted 'yes' to the above motions because it is a basic thing. He would like to make sure that the Commission will hear any development plans prior to approval to avoid traffic going through Legacy Elementary.

Planner Simmons assured the Commission that at the time of submittal of any development, Staff will make sure that the traffic is directed properly. Staff will work with the applicant as the plans move forward.

With no further business to discuss, the meeting was adjourned at 8:10PM.

Jeff Roehrig, Planning Commission Chairman

Kathy Larson, Secretary